

IN THE MATTER OF The Human Rights Code of Ontario,
R.S.O. 1981, c.53, as amended (now R.S.O. 1990, c.H. 19)

BETWEEN:

Som Nath Basu

Complainant

and

Love Printing Services Ltd. and Harvey Cousineau

Respondents

DECISION

BEFORE: H. Albert Hubbard
Chairperson, Board of Inquiry

HEARING: Ottawa, Ontario
December 13, 1994

APPEARANCES:

For the Ontario Human Rights Commission
Mark Frawley

For the Respondents
Allan R. O'Brien



I was appointed as a Board of Inquiry on May 3, 1993, to inquire into the complaint of Som Nath Basu alleging both harassment and discrimination in employment on the basis of race, colour, and place of origin by the respondents, Love Printing Services Ltd. and Harvey Cousineau. However, because of Mr. Basu's imminent departure for India the hearing was adjourned to December 13, 1994, by which date it was expected that he would have returned.

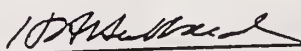
In October, 1994, Ms. Sharon Ffolkes-Abrahams, Counsel for the Ontario Human Rights Commission ("the Commission"), was replaced by Mr. Mark Frawley. Following his review of the file and consultations with Ms. Ffolkes-Abrahams, the Director of the Legal Services Branch of the Commission and the Chief Commissioner, the decision was taken by the Commission to not call any evidence in respect of this matter. Mr. Frawley then wrote to me on December 2, 1994, to apprise me of this decision and to advise me that on October 19, 1994, he had written to the complainant at his then address in Calcutta, India, by way of Priority Courier, receipt of which letter by Mr. Basu being verified by his signature on the accompanying delivery sheet. Mr. Frawley further advised that:

In my letter to Mr. Basu, I advised him of my instruction from the Commission not to call evidence in this matter and also advised him that, as a party, he was fully entitled to appear at the board of inquiry and to call his own evidence and make whatever submissions

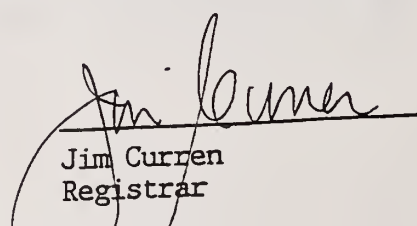
he wished. I further asked him to advise me as soon as possible of his intentions in that regard. I have, to date, received no correspondence or information of any kind from Mr. Basu and I have confirmed with the Board of Inquiry Office that they have received none from him either.

The complainant's intentions being unclear, it was decided that I would attend at the designated hearing room at the scheduled time on December 13, 1994, and resume the hearing by way of a conference call with a view to adjourning to the following day should Mr. Basu appear. However, Mr. Basu, who had been fully informed as to the place and date of the hearing, did not appear. Counsel for the respondents moved that the complaint be dismissed and that motion was not opposed by the Commission. In the circumstances, it is my decision that the complaint of Mr. Som Nath Basu against the respondents, Love Printing Services Ltd. and Harvey Cousineau, be dismissed.

Dated this 13th day of December, 1994.


 H.A. Hubbard,
 Chairperson, Board of Inquiry

Released by:
 BOARDS OF INQUIRY
 150 Eglinton Avenue E.
 Suite 550
 Toronto, Ontario
 M4P 1E8
 on 28th December, 1994


 Jim Curren
 Registrar